

Docket Number 38-21(51470)B

**PATENT**

**CERTIFICATE UNDER 37 C.F.R. §1.10**

I hereby certify that the documents enclosed herein are being deposited with the United States Postal Service on this 13<sup>th</sup> day of February, 2006, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EW690683457US addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

  
Michelle Ludwig

In re Application of: Martinell et al.

Serial No.: 09/683,399

Filed: December 21, 2001

Title: Plant Transformation Process with Selection and  
Early Identification of Germline Events

Group Art Unit: 1638

Examiner: Georgia L. Helmer

Conf. No. 2956

MAIL STOP AF

Commissioner for Patents

P.O.Box 1450

Alexandria, Virginia 22313-1450

**AMENDMENT TRANSMITTAL LETTER**

Transmitted herewith are the following documents in the above-identified application.

|   | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA | RATE       | ADDED FEE |
|---|---|---------------------------------------|------------------|------------|-----------|
| TOTAL                                   | 19  | 21                                    | 0                | x \$50.00  | 0         |
| INDEP.                                  | 2   | 3                                     | 0                | x \$200.00 | 0         |
| <b>TOTAL FEES FOR ADDITIONAL CLAIMS</b> |   |                                       |                  |            |           |

- ☒ Amendment and Response to Office Action
- ☒ Petition for Extension of Time Under 37 CFR 1.136(a)
- ☒ Fee Transmittal for Year 2005
- ☒ Return Postcard
- ☒ If an extension or an additional extension of time is required, but is not enclosed, please consider this a conditional petition therefor and charge Deposit Account 13-4125 accordingly.
- ☒ Please charge Deposit Account 13-4125 in the amount of \$1,020.00 for the fee believed required with this filing.
- ☒ Please charge any deficiencies or credit any overpayment to Deposit Account 13-4125. A duplicate copy of this sheet is attached.

Respectfully submitted,



M. Todd Rands

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**FEE TRANSMITTAL  
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1,020**Complete if Known**

|                      |                    |
|----------------------|--------------------|
| Application Number   | 09/683,399         |
| Filing Date          | December 21, 2001  |
| First Named Inventor | Brian J. Martinell |
| Examiner Name        | Georgia L. Helmer  |
| Art Unit             | 1638               |
| Attorney Docket No.  | 38-21(51470)B      |

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit  
Account  
Number

13-4125

Deposit  
Account  
Name

Monsanto Company

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or any underpayment of fees under 37 CFR 1.16 and 1.17  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity        |          | Small Entity |          | Fee Description        | Fee Paid |
|---------------------|----------|--------------|----------|------------------------|----------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1011                | 300      | 2011         | 150      | Utility filing fee     |          |
| 1012                | 200      | 2012         | 100      | Design filing fee      |          |
| 1013                | 200      | 2013         | 100      | Plant filing fee       |          |
| 1014                | 300      | 2014         | 150      | Reissue filing fee     |          |
| 1005                | 200      | 2005         | 100      | Provisional filing fee |          |
| <b>SUBTOTAL (1)</b> |          |              |          |                        | (\$) 0   |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|                    |  |        |   |   |   |  |   |   |
|--------------------|--|--------|---|---|---|--|---|---|
| Total Claims       |  | -20 ** | = | 0 | X |  | = | 0 |
| Independent Claims |  | -3 **  | = | 0 | X |  | = | 0 |
| Multiple Dependent |  |        |   |   |   |  | = | 0 |

| Large Entity        |          | Small Entity |          | Fee Description  | Fee Paid |
|---------------------|----------|--------------|----------|--|----------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1202                | 50       | 2202         | 25       | Claims in excess of 20                                     |          |
| 1201                | 200      | 2201         | 100      | Independent claims in excess of 3                          |          |
| 1203                | 360      | 2203         | 180      | Multiple dependent claim, if not paid                      |          |
| 1204                | 200      | 2204         | 100      | ** Reissue independent claims over original patent         |          |
| 1205                | 50       | 2205         | 25       | ** Reissue claims in excess of 20 and over original patent |          |
| <b>SUBTOTAL (2)</b> |          |              |          |  | (\$) 0   |

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet.                    |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for reexamination                                     |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 120      | 2251     | 60       | Extension for reply within first month                                     |          |
| 1252     | 450      | 2252     | 225      | Extension for reply within second month                                    |          |
| 1253     | 1020     | 2253     | 510      | Extension for reply within third month                                     | 1,020.   |
| 1254     | 1,590    | 2254     | 795      | Extension for reply within fourth month                                    |          |
| 1255     | 2,160    | 2255     | 1080     | Extension for reply within fifth month                                     |          |
| 1401     | 500      | 2401     | 250      | Notice of Appeal   |          |
| 1402     | 500      | 2402     | 250      | Filing a brief in support of an appeal                                     |          |
| 1403     | 1000     | 2403     | 500      | Request for oral hearing   |          |
| 1452     | 500      | 2452     | 250      | Petition to revive - unavoidable   |          |
| 1453     | 1500     | 2453     | 750      | Petition to revive - unintentional   |          |
| 1501     | 1400     | 2501     | 700      | Utility issue fee (or reissue)   |          |
| 1502     | 800      | 2502     | 400      | Design issue fee   |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17 (q)                                       |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809     | 790      | 2809     | 395      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810     | 790      | 2810     | 395      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801     | 790      | 2801     | 395      | Request for Continued Examination (RCE)                                    |          |

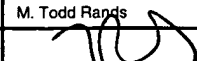
Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** (\$1,020)**4. SEARCH/EXAMINATION FEES**

|                     |     |      |     |                         |        |
|---------------------|-----|------|-----|-------------------------|--------|
| 1111                | 500 | 2111 | 250 | Utility Search Fee      |        |
| 1112                | 100 | 2112 | 50  | Design Search Fee       |        |
| 1113                | 300 | 2113 | 150 | Plant Search Fee        |        |
| 1114                | 500 | 2114 | 250 | Reissue Search Fee      |        |
| 1311                | 200 | 2311 | 100 | Utility Examination Fee |        |
| 1312                | 130 | 2312 | 65  | Design Examination Fee  |        |
| 1313                | 160 | 2313 | 80  | Plant Examination Fee   |        |
| 1314                | 600 | 2314 | 300 | Reissue Examination Fee |        |
| <b>SUBTOTAL (4)</b> |     |      |     |                         | (\$) 0 |

**SUBMITTED BY**

Complete (if applicable)

|                   |   |                                   |         |           |                |
|-------------------|---|-----------------------------------|---------|-----------|----------------|
| Name (Print/Type) | M. Todd Rands   | Registration No. (Attorney/Agent) | 46,249  | Telephone | (314) 694-5802 |
| Signature         |  | Date                              | 2/13/06 |           |                |

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.